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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,589

09/17/2003

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04/26/2007

EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/664,589

Applicant(s)

SCHWALD, CHRISTOPH

Examiner

Andrew Wendell

Art Unit

2618

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached office action.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Andrew Wendell*  
571-272-0557

*NAY MAUNG*  
SUPERVISORY PATENT EXAMINER

## DETAILED ACTION

### *Priority*

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825) and further in view of Izawa et al. (US Pat Pub# 2001/0013983).

Regarding claim 1, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device teaches a storage battery 205 (Fig. 2); a connector socket for receiving a charge plug of an electric connection into a power pack (Col. 3 lines 47-60); at least one miniature loudspeaker (Col. 3 lines 3-12); audio electronics connected to the loudspeaker (Col. 5 lines 19-27); a reception part connected to the audio electronics for receiving wireless signals (Col. 3 lines 20-27); charging electronics 203 (Fig. 2) operative to monitor a charging process of the storage battery (Col. 4 lines 5-28), the charging electronics having a first contact within the connector socket and contacting the surface areas of the charge plug when the plug is

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inserted into the connector socket , wherein current is supplied from the power pack to the charging electronics via the first contact when the charge plug is inserted into the connector socket (Col. 3 lines 47-60). Baranowski et al. fails to teach clearly receiving an electric connection with an audio source and a connector socket that handles both current and an audio signal.

Baranowski et al. integrated headphones for audio programming and wireless communications with a biased microphone boom teaches a contact within the connector socket and contacting the surface areas of a signal plug when the signal plug is inserted into the connector socket, the signal plug being part of an electric connection with an audio device for the transfer of signals (Fig. 1, Sections 0010 and 0020-0023), and the audio device is configured to transmit a stereo signal (Section 0022 points out the signal can be from a cd player, cassette tape player, radio tuner, a television, and etc. which are obvious types of stereo signals and Section 0021 points out the speakers are stereo) from the audio device to at least the one miniature loudspeaker via the contact when the signal plug is inserted into the connector socket (Fig. 1, Sections 0010 and 0020-0023).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to give the user more selectivity (Sections 0007-0008).

Baranowski and Baranowski both fail to teach a connector socket that handles both current and an audio signal.

Izawa's reproducing apparatus teaches a connector socket 6 (Fig. 3) that handles both current and an audio signal (Section 0089 and 0105, a USB (i.e. connector socket) has contacts for both a current and audio signals).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a connector socket that handles both current and an audio signal as taught by Izawa into receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to reduce consumption of power of the battery and increasing the lifetime of a battery (Section 0010).

Regarding claim 4, Baranowski further teaches wherein the signal plug is a conventional stereo jack (Section 0022 points out the signal can be from a cd player, cassette tape player, radio tuner, a television, and etc. which are obvious types of stereo signals and Section 0021 points out the speakers are stereo).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825) and further in view of Izawa et al. (US Pat Pub# 2001/0013983) as applied to claim 1 above, and further in view of Wingate (US Pat# 6,006,115).

Regarding claim 2, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in view of Baranowski et al. integrated

headphones for audio programming and wireless communications with a biased microphone boom and further in view of Izawa's reproducing apparatus teaches the limitations in claim 1. Baranowski et al., Baranowski et al., and Izawa fails to teach a switch between audio and reception signal.

Wingate's wireless headphones for entertainment and telephonic communication teaches the audio electronics are operative to switch off the reception part when the signal plug is inserted (Col. 2 line 15-Col. 3 line 13, this reference teaches switching from an audio source to a telephone conversation when activated but the same principle can apply for the limitation above.).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a switch between audio and reception signal as taught by Wingate into a connector socket that handles both current and an audio signal as taught by Izawa into receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to prevent the user from missing calls while enjoying other audio programming (Col. 2 lines 4-12).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowski et al. (US Pat# 6,473,630) in view of Baranowski et al. (US Pat# 2002/0067825) and further in view of Izawa et al. (US Pat Pub# 2001/0013983) as applied to claim 1 above, and further in view of Adams (US Pat# 6,594,366).

Regarding claim 3, Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in view of Baranowski et al. integrated headphones for audio programming and wireless communications with a biased microphone boom and further in view of Izawa's reproducing apparatus teaches the limitations in claim 1. Baranowski et al., Baranowski et al., and Izawa fails to teach recognizing the type of plug.

Adams headset/radio sensing jack teaches wherein the plugs have different electrically conducting or electrically insulating surface areas, the socket being combined as a common socket for alternately receiving the charge plug (audio plug) and the signal (telephone) plug, whereby the audio electronics recognize the type of plug inserted by contacting the different electrically conducting or electrically insulating surface areas of the plugs (Col. 1 lines 64-67 and Col. 2 lines 39-47).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate recognizing the type of plug as taught by Adams into a connector socket that handles both current and an audio signal as taught by Izawa into receiving an electric connection with an audio source as taught by Baranowski et al. into Baranowski et al. apparatus for powering a wireless headset used with a personal electronic device in order to make it easier to switch between audio or telephone functions.

***Response to Arguments***

Applicant's Remarks	Examiner's Response
"The reference (Baranowski et al. '825)	The Baranowski reference '825 was used

does not contain any teaching with respect to charging.”	to teach a signal plug (i.e. stereo signal).  The other references Barnowski `630 and Izawa teach charging.
“The plug system according to the present invention differs from the prior art in that, in the plugged-in state, connections to respectively different contact surfaces in the connector socket are made.”	As the claims are presently presented, Baranowski `630 teaches a charge plug. Baranowski `825 teaches a signal plug and Izawa teaches a connector socket that has two different contacts for charging and an audio signal. The combination of Baranowski `630, Baranowski `825, and Izawa teaches the claim limitations given the broadest reasonable interpretation.